

II. REMARKS/ARGUMENTS

A. General

The application now contains 12 claims.

Independent claim 6 has been amended so as to incorporate the subject matter of dependent claim 21, which the Examiner had deemed to be allowable.

Dependent claim 21 has been cancelled from the present application without prejudice.

Claims 11, 13-20, 22 and 41 remain the same. No new matter has been added by way of the present amendment.

B. Acknowledgement of Allowance

The Applicant gratefully acknowledges the Examiner's allowance of claim 41 as indicated on page 5 of the Office Action.

The Examiner further indicates on page 5 of the Office Action that claim 21 is objected to as being dependent upon a rejected base claim, but would be considered allowable if rewritten in independent form. The Applicant respectfully submits that the allowable subject matter of dependent claim 21 has been incorporated into independent claim 6. Accordingly, independent claim 6 is now believed to be in condition for allowance.

C. Summary of Rejections and Reply

C.1 Rejection of claim 22 under 35 USC 102

On page 2 of the Office Action, the Examiner has rejected claim 22 under 35 USC 102(b) as being anticipated by U.S. Patent 5,916,307 (hereafter to be referred to as Piskiel).

For the reasons presented below, the Applicant respectfully traverses the Examiner's rejection and submits that independent claim 22, as it currently stands, is in condition for allowance over the reference cited by the Examiner. For ease of reference, independent claim 22 has been reproduced herein below:

A method of executing a set of incomplete tasks, comprising:

- (a) **removing an existing incomplete task from the set when a newer version of the existing incomplete task is added to the set;**
- (b) executing the remainder of the set of incomplete tasks;
- (c) wherein said removing is effected without completing said existing incomplete task.

The Applicant respectfully submits that the reference cited by the Examiner does not disclose, teach or suggest the above-emphasized limitation of independent claim 22. More specifically, Piskiel does not disclose a method of executing a set of incomplete tasks, wherein the method comprises "removing an *existing incomplete task* from the set when a ***newer version*** of the existing incomplete task is added to the set" [emphasis added].

Instead, Piskiel teaches having retransmissions of a request over-write an *identical copy* of the request so as to avoid multiple executions of the same request. Piskiel is quite clear that the purpose of this over-writing is to prevent multiple executions of the same request, which would corrupt a database if allowed to happen. Piskiel is also clear that the cause of such potential duplications of a request would be the retransmission of exactly the same request. Therefore, a request would only be over-written by a re-transmitted copy of exactly the same request.

In Piskiel this is ensured by incrementing a request number index each time a new request is made, and storing the received requests based on this index. That way a new request cannot overwrite (remove) an older incomplete request because the new request will have a new request number and hence will be written to a new location. Only a re-transmit of the same request will have the same number, and this new copy of the same request will be bit-for-bit identical. Hence it will not be a new version, but a new copy of exactly the same identical request. This is the heart of Piskiel's invention, so it has several relevant passages: column 4, line 48 – column 5, line 18, and in particular column 4 line 59 – column 5 line 5; column 9, line 37 – column 10, line 13 and in particular column 9, lines 37-62; and the passage the Examiner cited, column 11, line 11-30 and in particular lines 20-30.

The Applicant respectfully submits that over-writing a previous copy of exactly the same request is completely different from replacing an existing task with a newer version of the task, as recited in independent claim 22. The definition of "version" versus "copy" is standard English and can be found in any dictionary (consider "I bought a new copy of the book" versus "I bought a new version of the book"). Accordingly, the Applicant respectfully submits that Piskiel does not disclose, teach or suggest the above-emphasized limitation of independent claim 22.

As per §2131 of the MPEP, in order "to anticipate a claim, the reference must teach every element of the claim". Since Piskiel does not teach the above-emphasized limitation of independent claim 22, Piskiel does not support a rejection based on anticipation. Accordingly, claim 22 as it currently stands, is believed to be in allowable form, and the Examiner is respectfully requested to withdraw the rejection to this claim.

C.2 Rejection of claims 6, 11 and 13-20 under 35 USC 103(a)

In the Office Action, the Examiner has rejected claims 6, 11 and 13-20 under 35 USC 103(a) as being unpatentable over "Lecture 2, Algorithms for a Single Machine" by Rabini.

As indicated above, independent claim 6 has been amended to include the allowable subject matter of dependent claim 21. Accordingly, independent claim 6 is now believed to be in condition for allowance since it includes the allowable subject matter of previous claim 21. The Examiner is respectfully requested to withdraw the rejection to independent claim 6.

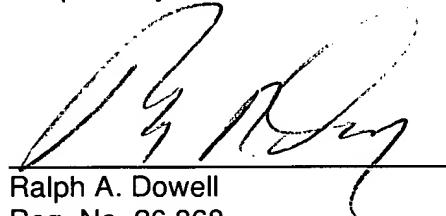
Claims 11 and 13-20 are dependent on claim 6 and therefore include by reference all the limitations contained therein, including the limitation previously found in dependent claim 21, which the Examiner has deemed to be allowable. Accordingly, for the same reasons as those set forth above with respect to independent claim 6, it is respectfully submitted that claims 11 and 13-20 are in condition for allowance as being dependent upon an allowable base claim. The Examiner is respectfully requested to withdraw the rejection to dependent claims 11 and 13-20.

III. CONCLUSION

In view of the above, it is respectfully submitted that claims 6, 11, 13-20, 22 and 41 are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of claims 6, 11, 13-20, 22 and 41 at an early date is solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



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